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Notice of Allowability	Application No.	Applicant(s)	
	09/732,456	CAI ET AL.	
	Examiner	Art Unit	
	Kevin Y Kim	2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an RCE filed on 3-9-2005.
2. ☒ The allowed claim(s) is/are 3,4-7,14,17-22 renumbered as 1-12.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>concurrent</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Dan McClure on March 30, 2005.

The application has been amended as follows:

1) Cancel **Claims 1,2,8-13,15 and 16**.

2) Replace **Claim 3** with the following.

A first digital subscriber line (DSL) modem communicatively coupled with a second DSL modem, the first DSL modem comprising:

a digital signal processor configured to select, upon initial power-up, at least one system parameter for the first DSL modem in accordance with a default manufacturer identification of the second DSL modem, wherein the at least one system parameter is pre-configured to optimize data communications between the first and second DSL modems, and to keep the at least one system parameter or select at least one other system parameter for the first DSL modem in response to an actual manufacturer identification of the second DSL modem; and

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a memory device communicatively coupled to the digital signal processor and configured to store the at least one system parameter and the at least one other system parameter.

3) Replace **Claim 4** with the following.

A first digital subscriber line (DSL) modem communicatively coupled with a second DSL modem, the first DSL modem comprising:

a digital signal processor configured to select, upon initial power-up, at least one system parameter and at least one operational algorithm for the first DSL modem in accordance with a default manufacturer identification of the second DSL modem, wherein the at least one system parameter is pre-configured to optimize data communications between the first and second DSL modems, and to keep the at least one operational algorithm or select at least one other operational algorithm for the first DSL modem in response to an actual manufacturer identification of the second DSL modem; and

a memory device communicatively coupled to the digital signal processor and configured to store the at least one system parameter, the at least one operational algorithm and the at least one other operational algorithm.

4) Replace **Claim 14** with the following.

A digital subscriber line (DSL) modem comprising:

means for applying a default variable with respect to a default manufacturer identification of a communicatively-coupled remote DSL modem upon initial power-up,

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means for selectively applying at least one system parameter during initial DSL system training in accordance with the default variable with respect to the default manufacturer identification of the remote modem, and

means for determining if at least one other system parameter responsive to an actual manufacturer identification of the remote modem would result in a measurable difference in DSL data transfer characteristics when compared to current DSL data transfer characteristics using the at least one system parameter selected in accordance with the default variable.

5) Replace **Claim 17** with the following.

A digital subscriber line (DSL) modem comprising:

means for applying a default variable with respect to a default manufacturer identification of a communicatively-coupled remote DSL modem upon initial power-up,

means for selectively applying at least one system parameter during initial DSL system training in accordance with the default variable with respect to the default manufacturer identification of the remote modem,

means for selectively applying at least one operational algorithm during the initial DSL system training in accordance with the default variable with respect to the default manufacturer identification of the remote modem, and

means for determining if at least one other operational algorithm responsive to an actual manufacturer identification of the remote modem would result in a measurable difference in DSL data transfer characteristics when compared to current DSL data

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transfer characteristics using the at least one operational algorithm selected in accordance with the default variable.

6) In **Claim 18**, on line 2, insert --identification—after “the actual manufacturer”.

7) In **Claim 19**, on line 2, insert --identification—after “the actual manufacturer”.

8) In **Claim 20**,

a) on line 5, replace “in response to” with –in accordance with--.

b) on Line 6, replace “the” after “receiving” with –an--.

c) on line 11, replace “the” with –a--.

9) In **Claim 21**, line 2, replace “in response to” with –identification uses a--.

10) In **Claim 22**, line 4, delete “information” after “manufacturer identification”.

2. The following is an examiner’s statement of reasons for allowance: No prior art teaches a DSL modem that applies a system parameter or an operation algorithm according to a default identification of a remote second DSL modem and either changes the system parameter or an operation algorithm or select another system parameter or an operation algorithm after the actual manufacturer identification of the second DSL modem is confirmed.

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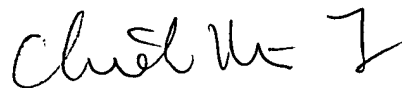
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CHIEH M. FAN
PRIMARY EXAMINER